



Working Together for a
Better Tomorrow. Today.

September 14, 2022

To: John Schultz, Susan Bullington, Lisa Thayer, Robin Hendricksen, and Tom Barnes:

A meeting of the Board of Adjustment has been scheduled for **Tuesday, September 27, 2022 at 1:30 p.m.** in Conference Room #1, City Hall, 100 East First Street. For this meeting, the following items are enclosed:

Agenda
Meeting Notice for Publication of Meeting
Minutes of June 28, 2022 Meeting

Public Hearing 2022-1:	Danny & Alicia Houssler, #31 Kuesters Lake
Exhibit 2022-1-A	Public Hearing Notice
Exhibit 2022-1-B	Application for Danny & Alicia Houssler
Exhibit 2022-1-C	Copy of Letter to Applicant
Exhibit 2022-1-D	Copy of Letter to Area Property Owners

If you are unable to attend this meeting, please let me know by contacting me at 385-5444 Ext. 111.

Sincerely yours,

CITY OF GRAND ISLAND

A handwritten signature in blue ink that reads "RaNae Edwards".

RaNae Edwards
City Clerk

cc: Craig Lewis, Building Inspections Director
Laura McAloon, City Attorney

Enc.



ZONING BOARD OF ADJUSTMENT

Tuesday, September 27, 2022


1:30 p.m.

Conference Room #1

City Hall

AGENDA

1. Roll Call
2. Approval of Minutes
June 28, 2022
3. Public Hearing 2022-1:
Request from Danny and Alicia Houssler for a Variance from the Regulations Regarding Setback Requirements located at #31 Kuesters Lake.
 - A. Introduction of Official Documents by the City Clerk
 - B. Presentation by the Building Inspector
 - C. Presentation by Applicant
 - D. Submission of Objections
 - E. Discussion and Decision of the Board
5. Adjournment



RaNae Edwards, City Clerk

A continuously current agenda is maintained in the office of the City Clerk. Inquiries and correspondence concerning the Board of Adjustment Agenda may be addressed to:

RaNae Edwards, City Clerk
P.O. Box 1968
Grand Island, Nebraska 68802-1968
(308)385-5444, Extension 111

ATTN: LEGAL NOTICES
381-9422

**NOTICE OF ZONING BOARD OF
ADJUSTMENT MEETING**

Notice is hereby given that the Zoning Board of Adjustment of Grand Island will hold a meeting on Tuesday, September 27, 2022 at 1:30 p.m. in Conference Room #1 at City Hall, 100 East First Street, Grand Island, Nebraska. The meeting will be open to the public, and citizens and interested persons will be heard.

RaNae Edwards
City Clerk

Please run one time – September 21, 2022.

CITY OF GRAND ISLAND
OFFICIAL PROCEEDINGS
MINUTES OF ZONING BOARD OF ADJUSTMENT
June 28, 2022

The City of Grand Island Zoning Board of Adjustments met on June 28, 2022, in Conference Room #1, City Hall, 100 East First Street. Notice of the meeting was published in the *Grand Island Daily Independent* on June 22, 2022.

The meeting was called to order at 1:30 p.m. The following members were present: Lisa Thayer, John Schultz, Susan Bullington, and Tom Barnes. Robin Hendricksen was absent. Also present was Building Department Director Craig Lewis, Deputy City Clerk Jill Granere, and Regional Planning Director Chad Nability.

APPROVAL OF MINUTES:

Motion was made by Schultz, second by Thayer to approve the minutes of the September 17, 2019 Zoning Board of Adjustment meeting. Upon roll call vote, all voted aye. Motion carried.

Election of Chairman and Vice-Chairman: John Schultz volunteered for Chairman. There being no further nominations, upon roll call vote all voted aye. Motion adopted.

Susan Bullington volunteered for Vice-Chairman. There being no further nominations, upon roll call vote all voted aye. Motion adopted.

REVIEW RESPONSIBILITIES/DUTIES OF THE BOARD OF ADJUSTMENT: Building Department Director Craig Lewis reviewed the current Responsibilities/Duties of the Board of Adjustment and noted changes that were proposed.

ADOPTION OF ZONING BOARD OF ADJUSTMENT RULES AND REGULATIONS: Motion was made by Bullington, second by Barnes to approve the adoption of the Zoning Board of Adjustment Rules and Regulations. Upon roll call vote, all voted aye. Motion adopted.

Adjournment: The meeting was adjourned at 1:55 p.m.

Jill Granere
Deputy City Clerk

ATTN: TERRI/LEGAL NOTICES
381-9422

CITY OF GRAND ISLAND
NOTICE OF PUBLIC HEARING

The following Public Hearing of the Zoning Board of Adjustment of Grand Island, Nebraska, will be held on Tuesday, September 27, 2022 at 1:30 p.m. City Hall Conference Room #1, City Hall, 100 East First Street, Grand Island, Nebraska.

Public Hearing on Request from Danny and Alicia Houssler for a Variance from the Regulations Regarding Setbacks located at #31 Kuesters Lake.

The hearing will be open to the public, and citizens and interested persons will be heard.

RaNae Edwards
City Clerk

Please run one time – September 17, 2022

APPLICATION FOR VARIANCE

DO NOT WRITE IN THIS BOX

Date Filed: _____
Fee Paid: _____
Receipt # _____
Date Advertised: _____
Hearing Date: _____
Received By: _____

To: Zoning Board of Adjustment
City Of Grand Island, Nebraska

The undersigned hereby request(s) that a variance from the terms of the Grand Island City Code be granted and that the Chief Building Official be authorized to issue a permit therefor. In support of this application, the undersigned state(s):

1. The specific variance requested is: Setback from the Lake for patio cover to match neighbor
2. The owner(s) of the described property is/are: Danny L. and Alicia M. Hausler
3. The legal description of the property is: Lot (5), House #31, situated on East side of East portion of Kuester Lake, *see full legal attached*
4. The address of the property is: #31 Kuester Lake
5. The proposed construction is: New construction with patio cover to match neighbor to the East
6. The zoning classification of the property is: Large lot residential
7. Existing improvements on the property are: Existing to be demolished and New structure built
8. The duration of the proposed use is: lifetime
9. The character of the immediate neighborhood is: Residential
10. An undue hardship (as distinguished from a special privilege) will be crated upon the petitioner(s) by literal enforcement of the zoning ordinance for the following reasons: Would not have full use of the lot if we cannot have a patio cover to sit under to enjoy the benefits of living on a Lake.

11. The specific section of the Grand Island City Code under which it is believed the Zoning Board of Adjustment is empowered to grant this variance is: Building recommendations for building at Kuester Lake

12. An Application for a Building Permit was submitted to the Chief Building Official and was denied on 9/8, 2022.

I/We do hereby certify that the above statements are true and correct and that this application is signed as an acknowledgment of that fact.

Danny L. Hausler

Alicia M. Hausler
Owner(s)

9/12/2022
Date

I have examined the Application for a Building Permit referred to in this application and it has been denied for the following reasons: SEE ATTACHED

[Signature]
Chief Building Official
9-16-22
Date

Owner(s) of described property: Danny L. and Alicia M. Hausler

Address of property: #31 Kuester Lake

Applications must meet one or more of the following:

1. Exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the zoning regulations;
2. Exceptional topographic conditions;
3. Other extraordinary and exceptional situation or condition of such piece of property;
4. Peculiar and exceptional practical difficulties;
5. Exceptional and undue hardships.

Statement by applicant(s) regarding meeting at least one of the above numbered 1 – 5:

The neighbor to the east has a patio cover that extends 15 feet from the house and they have a partitioning fence between the properties. We want to match their existing patio cover to be closer to the lake to improve our view of the lake because of their fence and to be able to sit out under the cover to enjoy the lake more. It will make it much more enjoyable having the shade for guests and our own use. Both neighbors have signed off on the design of build and approve of having the patio cover match the one to the east. (see attached with signatures - this was reviewed for Kuester board approval)

No variance shall be authorized by the Board unless it finds that:

- a. The strict application of the zoning regulations would produce undue hardship;
- b. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
- c. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance;
- d. The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purpose of convenience, profit, or caprice.

Statement by applicant(s) regarding fulfillment of all of the above numbered a – d:

As stated above, the neighbors have signed off on the plan and the board approved the plan. The new structure as proposed will be a drastic improvement for the neighborhood. The only patio cover that is not closer to the lake is the one to the west and when we are done building a fence will be removed that will give them a better view of the lake.

ORDER OF AGENDA FOR ZONING BOARD OF ADJUSTMENT MEETINGS (Applicant(s) must be present)

1. Roll Call and approval of Minutes of previous meeting.
2. Public Hearings.
 - a. Introduction of official documents by City Clerk.
 - b. Presentation by Building Inspector.
 - c. Presentation by Applicant(s).
 - d. Submission of objections.
 - e. Discussion and decision of Board.
3. Other matters as may come before the Board.
4. Adjournment.

FIRE PERMIT READY - APPLICATION FOR BUILDING/FIRE PERMIT

DATE _____

City of Grand Island

CLEAR FORM

FIRE DEPT NOTIFICATIONS

100 E 1st St, PO Box 1968
Grand Island NE 68801

(308) 385-5325 or Fax (308) 385-5423

Permit Application Created

Building Review Complete

Permit Approval Customer Notification (email)

DATE: 8-11-2022

Job Address: #31 Kuesters Lake

Legal Description: see attached

Owner: Dan + Alicia Hawrler	Address: 2021 W Faddley Ave Gr. Tr, NE 68801	Phone #: 308 390-7159
Email: dahaus@com.net		
Contractor: T. C. Enck	Address: #29 Kuesters Lake	Phone #: 308 380-1041
Email: tcnck83@gmail.com		

Use of Building: Residential COMMERCIAL

Describe Work: Demolish existing house and build new home onto the existing garage. Rebuild the seawall

Residential Basement Finished Unfinished | Fire Review Required - Yes No

Sub-Contractors	Plan submitted
Electrical: Middleton Electric	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
Plumbing: Eberl Plumbing	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
Mechanical: Myer Heating and air	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
Fire Sprinkler:	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>
Fire Alarm:	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>

Special Conditions: To be 10' from #32 to the east end 13' from #30 to the west. Covered patio to extend 15' from the front of home to match #32. House to be even with front of house 32 as it existing. Build on crawl space

Building Reviewed by:	Date:
Plumbing Reviewed by:	Date:
Mechanical Reviewed by:	Date:
Electrical Reviewed by:	Date:
Fire Review by:	Date:

Total Estimated Cost: \$150,000	Building Permit Fee:
Plan Review Fee:	Total Building Fee:
Fire review fee equals 50% value of building permit fee	Total Fire Permit Fee: \$

Combined Building and Fire Permit Fees: \$ 0.00



*Working Together for a
Better Tomorrow. Today.*

September 12, 2022

Dan Haussler
2021 W Faidley Ave
Grand Island, NE 68801

RE: 31 Kuesters Lake – Building Permit

Dear Dan,

I have reviewed the plans submitted to demolish the residence located at 31 Kuester Lake and rebuild a new dwelling with a covered patio. Unfortunately, the covered patio will encroach past the established setbacks for this location. Per City of Grand Island Departmental Correspondence dated May 17, 1995, Kester Lake building setbacks from the lake are as follows:

- a. Allow new structures or addition to match the more restrictive of setback from lake if both adjacent owners are closer to the lake as a matter of right;
- b. If setback of an adjacent owner on only one side is closer to the lake than a new structure or proposed addition, then a variance is needed to permit a new structure or addition not to exceed the existing adjacent setback from the lake.

The approximant setback form the shore line of the neighboring houses are west house 20'-0" and east house 16'-0". Your proposed covered patio will have an approximate setback of 12'-0". Since your proposed setback exceeds the established adjacent setback your building permit has been disapproved. If you would like to proceed with the current plan, you will need to apply for a variance with zoning board of adjustment.

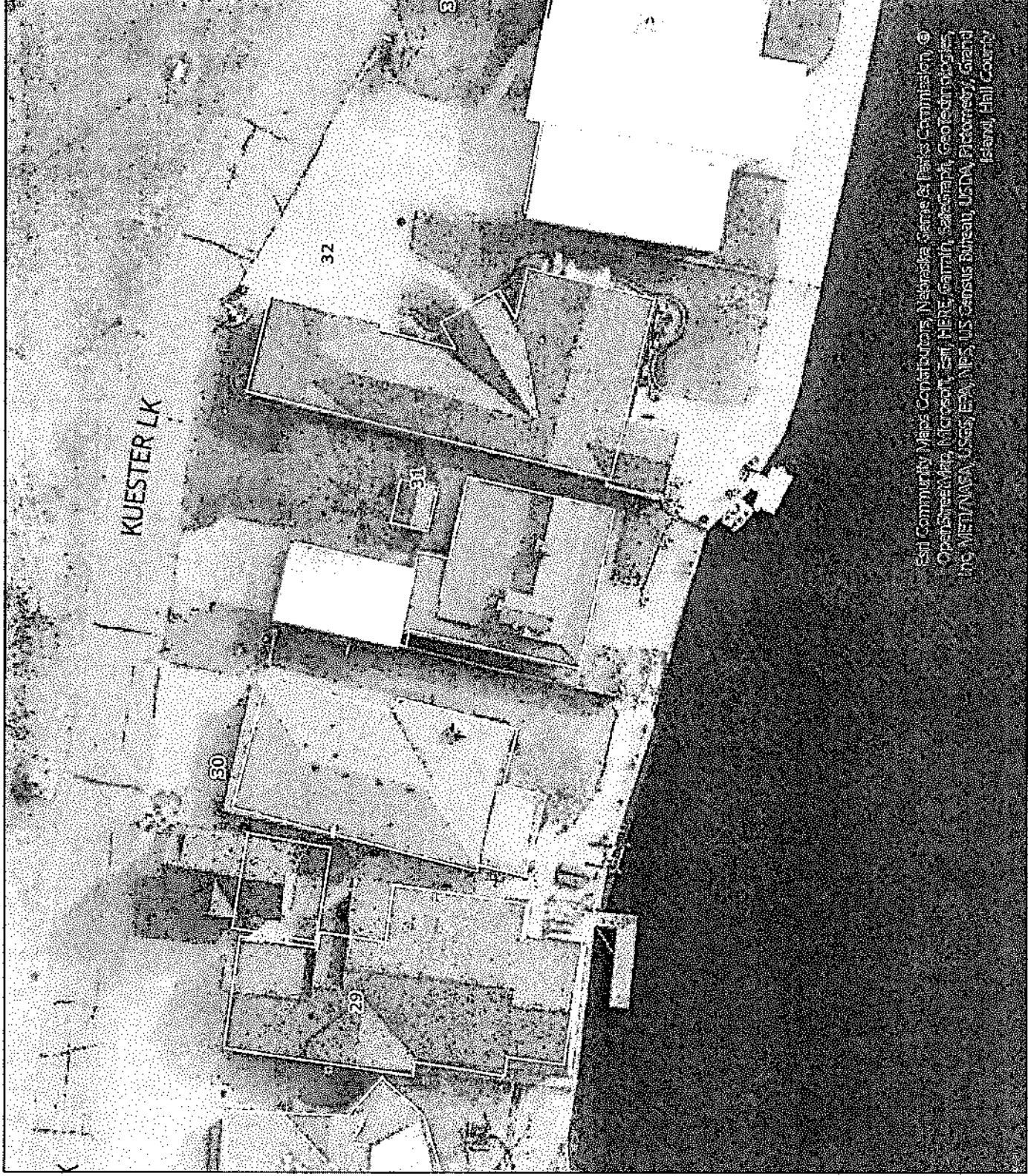
Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Ed Klimek".

Ed Klimek
Plans Examiner
(308) 385-5325
edwardk@grand-island.com

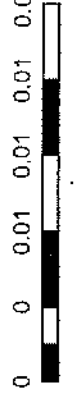
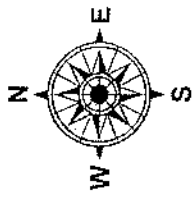
HCCG Hall County / Grand Island GIS



Esri Community Maps Contributors, Nebraska Games & Parks Commission, ©
OpenStreetMap, Microsoft, Esri, HERE, Garmin, Swatchmap, GeoSource, IGN,
Imagery, USDA, Esri, HERE, Esri, US Census Bureau, USDA, Flickr, Grand
Island, Hall County

Legend

- Fire Station
- Government
- Administration
- Courthouse
- Law Enforcement
- Hospital
- Airport
- Attractions
- Golf Course
- Museum
- Parks
- Park
- Library
- Viewing Area
- Water Park
- Shooting Park
- School
- Parcel
- Primary Address



City of Grand Island
DEPARTMENTAL CORRESPONDENCE

DATE May 17, 1985

SUBJECT Kuester Lake Development

TO Craig Lewis

DEPT Chief Building Official

FROM Nelson Helm

DEPT Director of Planning

It seems that consideration of building permits for the Kuester Lake properties has been a troublesome issue for many years. The lack of property line determinations and of defined building location policies has caused a problem somewhat like trying to administer a planned residential development without a plan. As we discussed, it would be in both the public and private interests if some guidelines could be provided for review of building permits for new structures or additions. Side yard minimums provide for adequate light, air, open space and prevention of the spread of fire. Front yard setbacks from the edge of the private road will aid safety measures for traffic flow and additional parking capacity. Setbacks from the lake edge will protect the privacy and view amenity that has drawn many residents to the area.

Kuester Lake is within an existing TA (Transitional Agriculture) Zone. It is obvious that the requirements of the zone is difficult to apply to new permit applications without constant variance actions. It may be possible to develop some guidelines similar to a planned residential district that could be used to speed-up and simplify the review process for new permit applications. These guidelines would have to be more flexible than current zoning requirements especially in light of the existing development. Input from the Kuester Lake Homeowners Association would certainly be desirable and helpful in determining the guidelines. Use of the guidelines by the Building Department would not eliminate any review procedures of the Association that they may have for new buildings or additions.

The following is suggested as an initial effort to develop some standards for permit consideration:

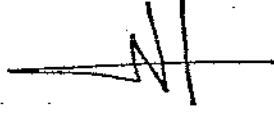
Suggested Guidelines for Review of Building Permits at Kuester Lake

- (1) Side Yard Setbacks - Maintain a minimum separation of 10 feet between buildings of adjacent property owners.
- (2) Setback from Road -
 - (a) allow new structure or addition to minimum of 20 foot setback from roadway edge as matter of right;
 - (b) allow new structure or addition to match the more restrictive of both adjacent sides if both setbacks are less than 20 feet from the roadway edge as matter of right;
 - (c) if setback of an adjacent owner on only one side is less than 20 feet from roadway edge then a variance is required to permit a new structure or addition not to exceed the existing adjacent setback from the roadway edge.
- (3) Setback from Lake -
 - (a) allow new structure or addition to match the more restrictive of setback from lake if both adjacent owners are closer to the lake.

as matter of rights.

- (b) if setback of an adjacent owner on only one side is closer to the lake than a new structure or proposed addition then a variance is needed to permit a new structure or addition not to exceed the existing adjacent setback from the lake.

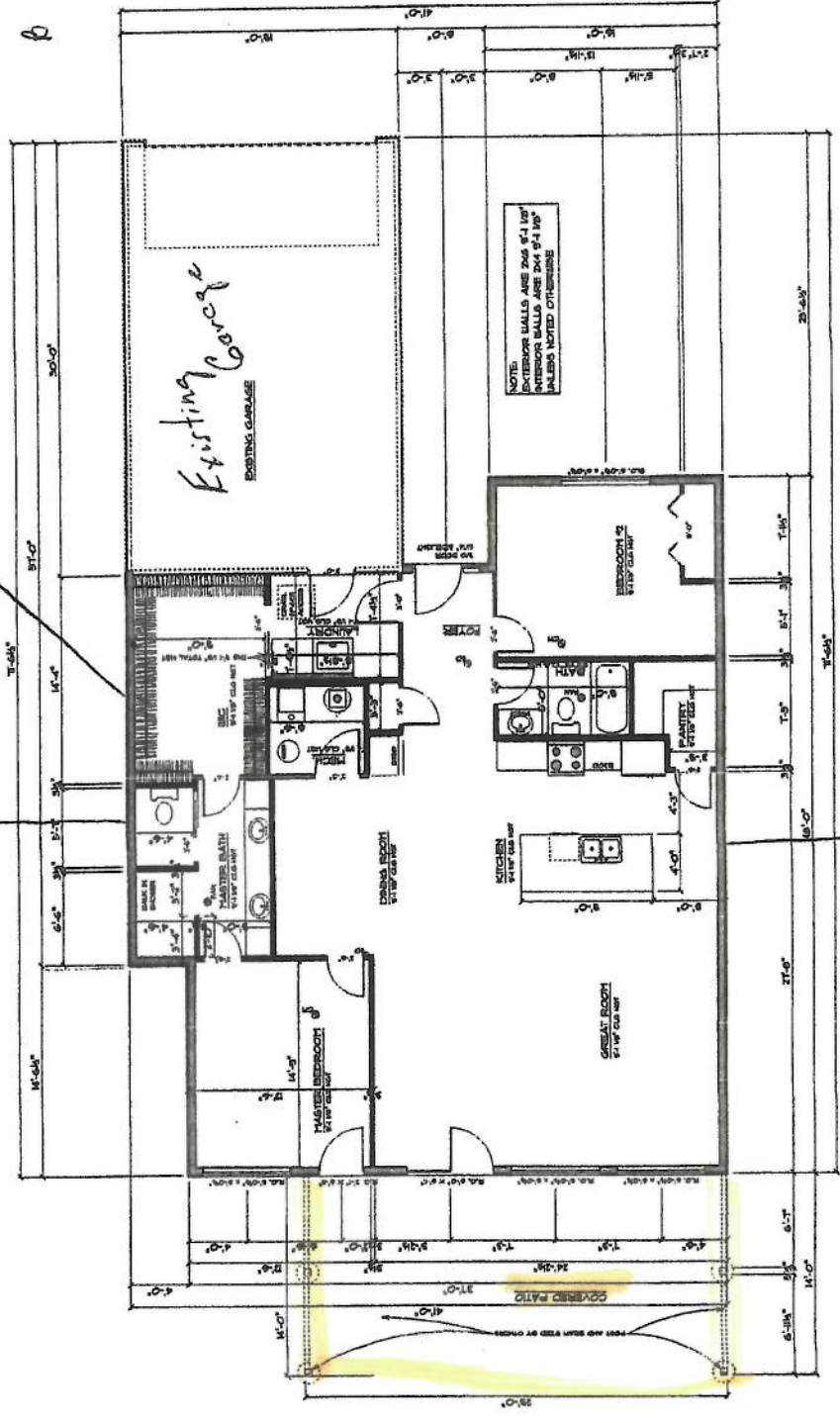
It would be in the long term best interest of the residents that a lot survey be undertaken to establish property lines. Not only would this assist in the administration of building permits but should also minimize possible boundary disputes between adjacent owners and clarify concerns as to marketable titles that have arisen from time to time. New lots that are developed in the future on vacant properties belonging to the association will be required to conform with adopted regulations.

A handwritten signature or set of initials, possibly 'NH', written in black ink. It consists of a horizontal line with a vertical line intersecting it, and a diagonal line extending upwards from the intersection.

1/2
Tom Nizise

13
16
10

- A. Demolish existing house and seawall and all concrete
- B. Rebuild seawall
- C. Build new house as per plans with all new electrical
- D. Have septic and leech field inspected and redo as necessary.



FLOOR PLAN

10
13
16
30
#30

8-5-2022
Joyce (Tupper Control) PR

ENTERED AS INSTRUMENT NO

202204823

STATE OF NEBRASKA) SS
COUNTY OF HALL)

2022 JUN 30 AM 10:18

Kristi Wold

REG OF DEEDS
ELECTRONICALLY RECORDED
RECORDING FEE \$10.00

NEBRASKA DOCUMENTARY
STAMP TAX
Date 6 - 30 - 2022
\$ 263.25 By VF



202204823

Return to:

BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS:

FOR VALUE RECEIVED, receipt of which is hereby acknowledged, I, VIRGINIA L. NIBLACK, by *Michael McDonald*
~~RYAN J. OMEL~~ as ATTORNEY IN FACT hereby sell, set over, and assign unto DANNY L. HAUSSLER
and ALICIA M. HAUSSLER, husband and wife, as Joint Tenants, the following property:

- A. All of the lease rights under Lease dated November 4, 1999, wherein Kuester Lake, Inc. is the Lessor and pertaining to:

Lot Five (5), House #31, situated on the East side of the East portion of Kuester Lake, and being a part of the East Half of the Southwest Quarter (E1/2, SW1/4) in Section 13, Township 11 North, Range 9 West of the 6th P.M., in Hall County, Nebraska, such lot is as shown on a plat in possession of the Lessor.

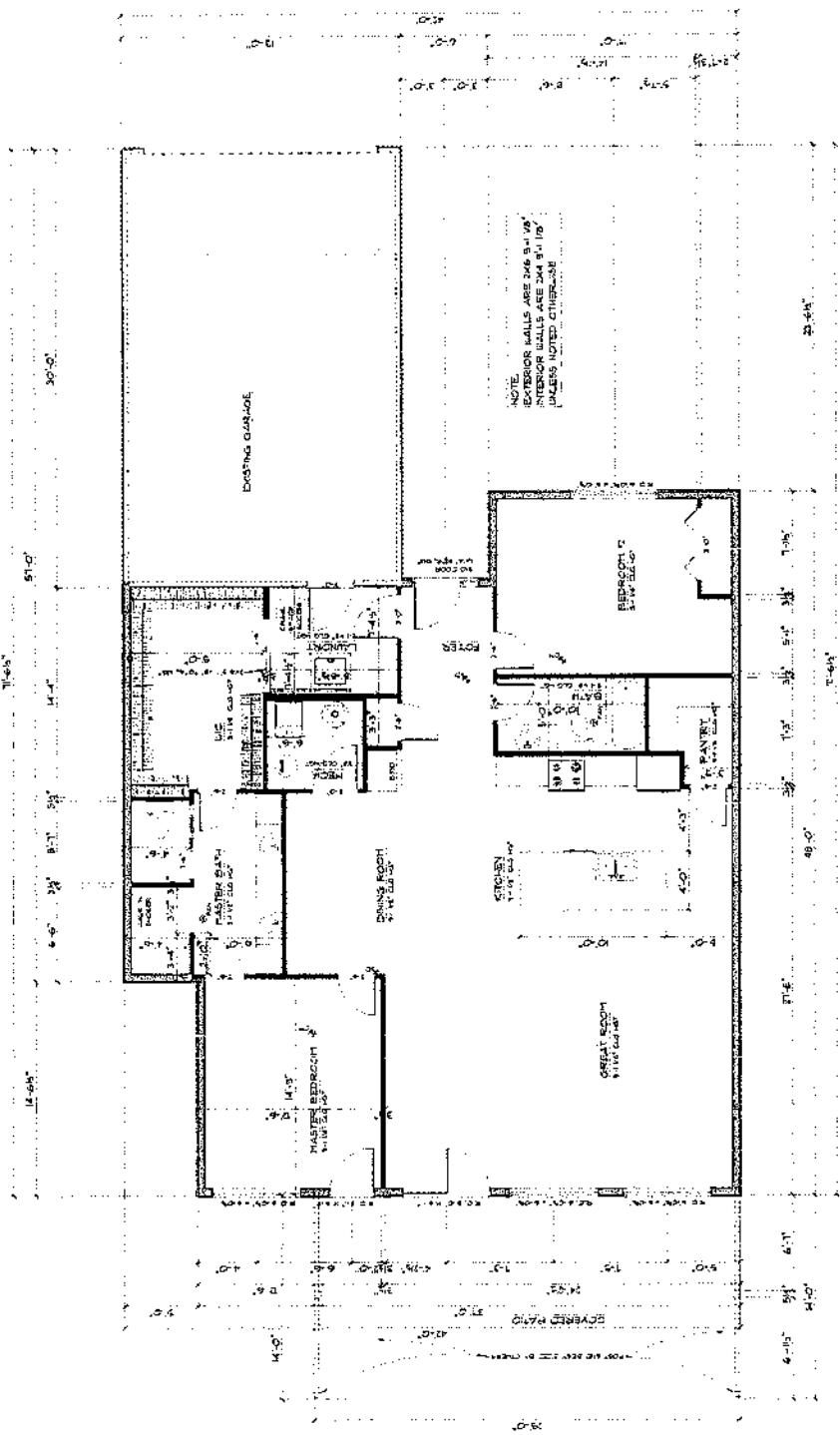
Such lot is as shown on the plat in the possession of the Lessor.

- B. All improvements on said above-described premises.
- C. Any other personal property situated on or about the improvements on said premises.
- D. Stock Certificate No. 197 for 150 shares of the common stock of Kuester Lake, Inc.

I warrant that I am the owner of the above-described property, improvements and personal property on the above-described premises; that I am entitled to sell the same; that said property is free of all liens and encumbrances; and that I will warrant and defend the title to said property against the claims of any other persons whomsoever.

Effective this 23 day of June, 2022.

Virginia L. Niblack
VIRGINIA L. NIBLACK
by ~~RYAN J. OMEL~~ as ATTORNEY IN FACT
Michael McDonald

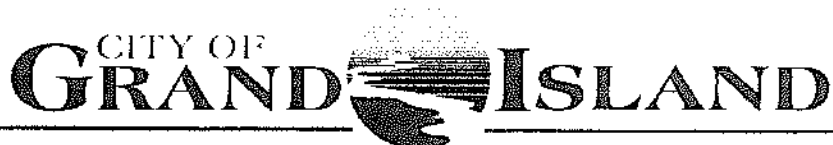


FLOOR PLAN

west
 13' to house #30
 (Wilson)

East
 10' to house #32
 (Conwell)

Lake



*Working Together for a
Better Tomorrow. Today.*

September 13, 2022

Danny & Alicia Houssler
#31 Kuesters Lake
Grand Island, NE 68801

Dear Mr. & Mrs. Houssler:

A Public Hearing on your request for a variance relative to the specified setback located at #31 Kuesters Lake has been scheduled to be held on **Tuesday, September 27, 2022 at 1:30 p.m.** City Hall, 100 East First Street, Conference Room #1. Your presence is requested.

Sincerely yours,

CITY OF GRAND ISLAND

A handwritten signature in cursive script that reads "RaNae Edwards".

RaNae Edwards
City Clerk

cc: Board of Adjustment Members
Craig Lewis, Building Inspection Director



*Working Together for a
Better Tomorrow. Today.*

September 14, 2022

**Kuester Lake, Inc.
#75 Kuester Lake
Grand Island NE 68801**

Dear Property Owner:

An Application for a Variance has been submitted by Danny & Alicia Houssler for a variance from the regulations pertaining to setback requirements located at #31 Kuesters Lake, Grand Island, Nebraska.

The Board of Adjustment has scheduled the Public Hearing on the request for **Tuesday, September 27, 2022** at 1:30 p.m. in Conference Room #1, City Hall, 100 East First Street, Grand Island, Nebraska.

It is the policy of the Board to advise property owners within 200 feet should they desire to comment.

Sincerely yours,

CITY OF GRAND ISLAND

A handwritten signature in cursive script that reads "RaNae Edwards".

RaNae Edwards
City Clerk

cc: Board of Adjustment Members
Craig Lewis, Building Inspection Director
Laura McAloon, City Attorney